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Docket No. 5582156
5.28.03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Varner et al.
SERIAL NO.: 09/888,079 EXAMINER: A. Lam
FILED: June 22, 2001 GROUP: 3763
FOR: METHOD AND DEVICE FOR SUBRETINAL DRUG DELIVERY

THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, DC 20231

SIR:

AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

Applicants are in receipt of the Office Action dated April 23, 2003. Please amend the above-identified application as follows.

IN THE CLAIMS

Please amend the following claims.

30. (amended) The method of claim 27 wherein the medicament is selected from the group consisting of genes, proteins, cells, small molecule pharmaceuticals and sterile solutions.

31. (amended) The method of claim 27 wherein the step of treating the treatment site comprises withdrawing material from the treatment site into the distal end of the cannula.

32. (amended) The method of claim 27 wherein the step of inserting the piercing member into the insertion site comprises inserting the distal end of the piercing member into and through the eye's sclera.



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Practitioner's Docket No. 55821 (71699)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Varner et al.
Application No.: 09/888,079 Group No.: 3763
Filed: June 22, 2001 Examiner: A. Lam
For: METHOD AND DEVICE FOR SUBRETINAL DRUG DELIVERY

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
MAIL STOP NON-FEE AMENDMENT

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is
[] a small entity.
[X] other than a small entity.

RECEIVED
MAY 27 2003
TECHNOLOGY CENTER R3700

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- [X] deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, MAIL STOP NON-FEE AMENDMENT

FACSIMILE

- [] transmitted by facsimile to the Patent and Trademark Office.

Susan M. Dillon
Signature

Date: 5/14/03

Susan M. Dillon
(type or print name of person certifying)

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. 1.645 for extensions of time in interference proceedings, and 37 C.F.R. 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

(a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/>	one month	\$110.00	\$55.00
<input type="checkbox"/>	two months	\$410.00	\$205.00
<input type="checkbox"/>	three months	\$930.00	\$465.00
<input type="checkbox"/>	four months	\$1,450.00	\$725.00
<input type="checkbox"/>	five months	\$1,970.00	\$985.00

Fee: \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col. 1) (Col. 2) (Col. 3) SMALL ENTITY					OTHER THAN A SMALL ENTITY			
Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee	OR	Rate	Addit. Fee
Total	* Minus	**	=	x \$9 =	\$0		x \$18 =	\$
Indep.	* Minus	***	=	x \$42 =	\$0		x \$84 =	\$ 0
[] First Presentation of Multiple Dependent Claim				+ \$140 =	\$0		+ \$280 =	\$ 0
					Total Addit. Fee	\$	OR	Total Addit. Fee
								\$

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (§ 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

- (c) ☒ No additional fee for claims is required.
 OR
 (d) ☐ Total additional fee for claims required \$ _____.

FEE PAYMENT

5. ☐ Attached is a check in the sum of \$ _____.
☐ Charge Account No. _____ the sum of \$ _____.
 A duplicate of this transmittal is attached.

FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. ☒ If any additional extension and/or fee is required, charge Account No. 04-1105.

AND/OR

[X] If any additional fee for claims is required, charge Account No. 04-1105.


SIGNATURE OF PRACTITIONER

Reg. No. 33,860

Peter F. Corless

(type or print name of practitioner)

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PATENT TRADEMARK OFFICE